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Department of Planning & Zoning

OCT 07 2013

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October 7, 2013

VIA HAND DELIVERY AND ELECTRONIC MAIL

Ms. Mary Ann Tsai
Staff Coordinator - Zoning Evaluation Division
Fairfax County Department of Planning and Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035

SEA 80-L/V-061-2; PCA 2000-MV-034
Furnace Associates, Inc.

Dear Mary Ann:

The following items are filed in response to comments received on the above-referenced Proffered Condition Amendment and Special Exception Amendment Applications:

PCA 2000-MV-034

1. A revised draft proffer statement dated October 7, 2013; and
2. A Generalized Development Plan, as revised through October 7, 2013, delivered under separate cover by BC Consultants and has been prepared in response to the two comment memos received to date (6 full-size copies with 8 reductions).

SEA 80-L/V-061-2

1. A Special Exception Amendment Plat, as revised through October 7, 2013, delivered under separate cover by BC Consultants (6 full-size copies with 8 reductions). A copy of this revised plat also has been provided to Virginia Ruffner for acceptance review of the Amendment to the pending SEA Application.

Ms. Mary Ann Tsai
October 7, 2013
Page 2

SEA 80-L/V-061-2
PCA 2000-MV-034

2. Review of "General and Additional Standards;"
3. Copy of wastewater discharge permit; and
4. Copy of letter to Virginia Ruffner, dated October 7, 2013.

SEA Amendment Application

Notes have been added onto Sheet 44 for the proposed Phase 6 Category 3 and Category 5 recreational "end" uses which are the subject of the SEA Amendment application filed September 11, 2013 in response to Planning Division comments. In the new notes, we've specifically addressed parking and transitional screening which we understand have been the hold-up in accepting this minor amendment. We appreciate your efforts to trying to obtain acceptance review; it is critical that your office provide an immediate response regarding acceptance of this Amendment. In addition to the Amendments filed September 11, enclosed please find a copy of the new Amendment form for the pending SEA Application (the original form submitted directly to Ms. Ruffner in which (i) "Quasi-Public Use" has been added as a third Category 3 SE use requested in this Application and (ii) Board of Supervisors' approval of an increase in height for the Quasi-Public Uses is requested for the Green Energy Park (wind turbines only).

Landscape Plan Revisions

As discussed at the October 1, 2013 meeting with the Urban Forester, the SEA landscaping sheets have been revised to address the six comments in the UFMD memorandum "amended" September 23, 2013. (Unfortunately, this is the only staff memorandum on the SEA we have received since August 1). Comment #6 requests that the Applicant install the required "Type 3 Transitional Screening" fifty-foot wide buffer and a barrier along the northern property line. Provision of Type 3 screening, as recommended by Staff, would require Furnace Associates to rip out existing, mature trees and replace them with new vegetation as set forth in Section 13-303 of the Zoning Ordinance. It is our understanding that the Lorton Valley Homeowners' Association prefers for the existing, mature trees to remain undisturbed and to be supplemented as much as possible. To this end, BC Consultants has prepared a new section looking south and blow-ups of this buffer area (see Plat Sheets 21 and 14) which shows preservation of trees and supplemental planting area that is a minimum of fifty feet in width. Similar to that previously granted by the Board of Supervisors, my client is providing the

Ms. Mary Ann Tsai
October 7, 2013
Page 3

SEA 80-L/V-061-2
PCA 2000-MV-034

minimum buffer width, but is seeking a "modification" so as to preserve and supplement existing trees in lieu of new planting. A much wider buffer is possible within that area, but we have shown optional recreation uses (stone dust trail with exercise stations, dog park, multi-purpose area and picnic tables) for use solely by the Lorton Valley Homeowners' Association, should they opt to have Furnace Associates install such improvements.

Erosion and Sediment Control Calculations

Revised Plat Sheet 28 contains the calculations requested by Mr. Dhakal on September 20.

Staff question regarding possible timing and extent of each of the five "phases" of operation

The length of each phase will vary depending on the amount of in-bound tons land-filled over time. Based on expected volumes, the length of each phase is estimated to last approximately 4 to 6 years. During each phase the subsequent phase will begin in order to ensure landfilling may be adjusted in response to debris type, weather and settling requirements and other operational and construction factors related to the organic nature of a construction debris landfill.

Staff question regarding the effect of 22 more years of landfilling on the "grandfathered" portion of the landfill?

VA DEQ regulations and guidance have provisions for designing and installing new liners over existing waste areas of the landfill that are "grandfathered". This type of landfill liner design is typically referred to as "piggybacking". These provisions are in the DEQ Part A permit requirements and the Part B permit requirements. Similar liner designs have been approved by DEQ and implemented on other landfills in the State currently in operation. Piggybacking is cited as "An existing landfill that is planning to expand laterally on an unlined unit or a unit lined with a liner system that does not meet the current regulatory standards." DEQ Waste Guidance Memo No. 01—2009.

Fairfax County has utilized this piggybacking method to expand its ash landfill laterally on to its closed municipal solid waste landfill, which does not comply with current liner standards. The County has employed piggybacking since 2008 and is in its second phase of

Ms. Mary Ann Tsai
October 7, 2013
Page 4

SEA 80-L/V-061-2
PCA 2000-MV-034

piggybacking. Piggybacking has been carried out on landfills throughout the United States, including in Virginia.

Geosyntec Consultants, the Applicant's landfill design consultant, is recognized nationally for piggybacking designs as well as internationally both for its landfill designs and renewable energy uses capabilities.

Staff requests regarding allocation and timing of Applicant's proposed cash contributions

As explained to Staff on September 20, the front-ending of approximately \$11M for the Phase 1 green energy-related infrastructure commitments alone will necessarily precede by several years initial generation of any revenue related to this SEA-2, will have to be borrowed, and will be the subject of a lengthy and costly debt service obligation. Because of this, advancing to 2014 of the proposed \$750,000 annual contribution is infeasible and does not comport with any reasonable or sound business practice. This financial burden is further compounded by the Applicant's willingness, at the request of the FCPA, to contribute in 2019 \$3.2M for Lorton/South County recreational needs.

As to the request attributed by Staff to Supervisor Hyland that the \$15M contribution for Lorton/South County community needs be paid to the FCPA, the Applicant understands that such funds contributed "to the County" can be earmarked for such needs, protected by the Board and designated by the Board for expenditure to such needs, including recreational facilities, as determined by the Board. Such a structure would provide greater flexibility for direction of the funds, including for recreational facilities, which would be the sole allocation available should the funds be contributed to the FCPA. The Applicant continues to consider this request, but believes its current proposal would be more effective for all Lorton/South County needs.

Applicant's proposed development conditions

On September 30, you requested our proposed SEA development conditions which we are working on and will be happy to provide prior to our November 7 "final" submission deadline.



Ms. Mary Ann Tsai
October 7, 2013
Page 5

SEA 80-L/V-061-2
PCA 2000-MV-034

Please understand, however, the importance of providing to us as soon as possible the many outstanding County Staff comments and responses to the large amount of technical information my client filed to date with the County.

Very truly yours,

A handwritten signature in dark ink, appearing to read "F. McDermott". The signature is fluid and cursive, with a prominent "F" and "M".

Francis A. McDermott

Enclosures

cc: Mr. Gary Hewes, Furnace Associates
Mr. Conrad Mehan, Furnace Associates